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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO DIVISION

MARLENE HAM,) Case No. 2:21-CV-00298-TLN-CKD
Plaintiff,)
v.) **STIPULATION OF PARTIES TO
KOHL'S, INC., et al.,) REMAND ACTION TO STATE COURT
Defendants.) AND ORDER RE: SAME
Complaint Filed: 12/03/20
[Sacramento County Superior Court
Case No. 34-2020-00289600-CU-PO-GDS]
})**

Plaintiff MARLENE HAM and defendant KOHL'S, INC., by and through their respective counsel, hereby stipulate to have the above-captioned action remanded to Sacramento County Superior Court and agree as follows:

1. Plaintiff MARLENE HAM commenced a civil action on December 3, 2020, in Sacramento County Superior Court, Unlimited Jurisdiction, in the State of California, entitled *Marlene Ham v. Kohl's, Inc. et al.*, Case No. 34-2020-00289600. In said action, plaintiff seeks personal injury damages under theories of premises liability and general negligence arising from an incident occurring on December 7, 2018, at the KOHL's store located 9650 Bruceville Road, Elk Grove, California, and resulting in alleged injuries.

2. Plaintiff is a citizen of the State of California. KOHL's is a Delaware corporation whose principal place of business is Menomonee Falls, Wisconsin.

3. Plaintiff's damages were alleged to exceed \$74,999.99 (Seventy-Four Thousand

1 Nine Hundred Ninety-Nine Dollars and Ninety-Nine Cents) pursuant to her Statement of
2 Damages, dated December 1, 2020.

3 4. The citizenship of the parties and the potential amount in controversy allow for
4 federal diversity jurisdiction and KOHL's removed the action to the United States District Court
5 on the basis of diversity jurisdiction on February 16, 2021.

6 5. Plaintiff subsequently agreed and stipulated she will not seek damages for, nor
7 collect any judgment, inclusive of interest and costs, in excess of, \$74,999.99 (Seventy-Four
8 Thousand Nine Hundred Ninety-Nine Dollars and Ninety-Nine Cents), in the above-captioned
9 action. Attached hereto as Exhibit 1 is a true and correct copy of the Stipulation Limiting
10 Plaintiff's Damages.

11 6. Accordingly, the parties hereby agree, stipulate and request the Court remand this
12 action to Sacramento County Superior Court, Case No. 34-2020-00289600-CU-PO-GDS.

IT IS SO STIPULATED.

14 | Dated: April ___, 2021

CHILD & JACKSON

By /s/ Erik E. Child
Erik E. Child
Attorneys for Plaintiff
MARLENE HAM

19 | Dated: May 17, 2021

LIVINGSTON LAW FIRM

By /s/ Crystal L. Van Der Putten
Crystal L. Van Der Putten
Attorneys for Defendant
KOHL'S, INC.

ORDER

The Court, having reviewed the joint stipulation of the parties and good cause appearing hereby orders this action be remanded to Sacramento County Superior Court, Case No. 34-2020-00289600-CU-PO-GDS, and that each party shall bear its own attorney fees and costs incurred in connection with the removal of this action to federal court and remand to state court.

IT IS SO ORDERED.

Dated: May 17, 2021

Troy L. Nunley

Troy L. Nunley
United States District Judge